

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 16-2594(DSD/KMM)

Leonard James Fisherman, Jr.,

Petitioner,

v.

ORDER

State of Minnesota,

Respondent.

This matter is before the court upon the report and recommendation of Magistrate Judge Katherine Menendez dated November 11, 2016. The magistrate judge recommended that the court dismiss plaintiff Leonard James Fisherman, Jr.'s petition under 28 U.S.C. § 2254. Petitioner has not filed an objection to the R&R in the time period permitted.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The magistrate judge's report and recommendation [ECF No. 10] is adopted in its entirety;
2. The amended petition [ECF No. 9] is denied;
3. The action is dismissed without prejudice;
4. The application to proceed in forma pauperis [ECF No. 2] is denied as moot; and
5. The court denies a certificate of appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 7, 2016

s/David S. Doty
David S. Doty, Judge
United States District Court

